

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY ALANO NARANJO,

Petitioner,

Case No. 2:07-CV-12604

Criminal Case No. 02-50045

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

On August 17, 2009, this Court entered its Order Denying Petitioner's Amended Motion for Reconsideration and Petitioner's Motion for an Extension in Which to Supplement his Amended Motion for Reconsideration. (Dkt. No. 140.) In its August 17, 2009 Order, this Court denied Petitioner's request to reconsider this Court's July 15, 2009 Order (Dkt. No. 135) (1) adopting Magistrate Judge Hluchaniuk's report and recommendation to dismiss Petitioner's 28 U.S.C. § 2255 Petition (Dkt. No. 119) and (2) dismissing Petitioner's motion to vacate sentence.

On September 15, 2009, Petitioner filed a "Notice of Appeal to the United States Court of Appeals For The Sixth Circuit" of this Court's August 17, 2009 Order. (Dkt. No. 141.) Before Petitioner may appeal this Court's dispositive decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). This Court denies Petitioner a certificate of appealability.

A certificate of appealability may be issued "only if the applicant has made a substantial

showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The substantial showing threshold is satisfied when a petitioner demonstrates “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

As this Court held in its August 17, 2009 Order, “Petitioner has been given numerous opportunities to provide the Court with cause as to why his petition should not be dismissed.” In spite of the numerous opportunities Petitioner has been afforded, as detailed in Magistrate Judge Hluchaniuk’s October 1, 2008 Report and Recommendation, Petitioner has failed to provide sufficient justification why his Petition should not be dismissed. Judge Gadola initially determined that Petitioner’s motion to vacate was “filed without any factual or legal support,” and ordered Petitioner to show cause “why his perfunctory and unsupported petition should not be dismissed.” (Report and Recommendation, Dkt. 119 at 2.) Petitioner has failed to respond to numerous orders of this Court to show cause why his petition should not be dismissed. As such, Petitioner has not demonstrated that reasonable jurists would find it debatable that his Petition should be dismissed and he therefore has not made a showing of the denial of a constitutional right.

Accordingly, this Court denies Petitioner a Certificate of Appealability.

IT IS SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 18, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 18, 2009.

S/Denise Goodine

Case Manager